

FILED
RECEIVED
LODGED
COPY
FEB 24 2023
CLERK U.S. DISTRICT COURT
DISTRICT OF ARIZONA
DEPUTY

1. would have exhausted available administrative remedies,
2. there is no way the defendant could have remedied the
3. problem, for the medical injury was already caused to
4. the plaintiff due to the reckless disregard for my safety
5. and wellbeing. PCADC staff, under the supervision of
6. Christopher Nanos, caused plaintiff to contract covid and
7. put plaintiff's life at risk of even death.
- 8.

9. OPPOSITION TO SUMMARY JUDGEMENT

10. (sof ¶ 1) I have never met Gabriel Figueroa and I do not
11. know that it is true he is employed by the PIMA COUNTY
12. SHERIFF DEPT. at PCADC as Lieutenant. (sof ¶ 2) This
13. statement is true, however, defendant claims I stated "
14. correction officers were not following an "unspecified"
15. quarantine protocol for covid 19. covid 19 is the specified
16. quarantine protocol. (sof ¶ 3) Again, the specified quarantine
17. is for covid. (sof ¶ 4) Yes the grievance was dismissed
18. but because defendants claim the grievance did not follow
19. their grievance policy, however it did comply. (sof ¶ 5) Plaintiff
20. agrees with this statement. (sof ¶ 6) I agree with this statement.
21. and when I looked at the grievance policy it states;
22. IF GRIEVING STAFF, THE GRIEVANCE MUST INCLUDE A NAME,
23. OR A PHYSICAL DESCRIPTION OR THE LOCATION, TIME, AND
24. PLACE OF THE EVENT. see Exhibit 1. Grievance #102905442
25. states the LOCATION, TIME FRAME, AND PLACE OF EVENT.
26. So The grievance did comply with the policy. see Exhibit 2.

1. Because PCADC administration failed to investigate the
 2. matter proves a reckless disregard for the plaintiffs
 3. wellbeing and because they continue to violate
 4. COVID quarantine protocols. And each and every time
 5. an officer traveled from an infected pod on COVID
 6. quarantine to an uninfected pod not on COVID quarantine,
 7. they violate the constitutional right of every inmate
 8. by disregarding the safety and wellbeing of every inmate
 9. in the uninfected pod, and putting lives at risk of
 10. even death. (SOE ¶ 7) True statement (SOE ¶ 8) True statement.
 11. (SOE ¶ 9) True statement. (SOE ¶ 10) True statement. (SOE ¶ 11) True
 12. statement. (SOE ¶ 12) True statement. (SOE ¶ 13) True statement. (SOE ¶ 14)
 13. True statement, however, there is already an officer assigned
 14. to that COVID infected pod that Sgt Smith came out
 15. from. It was not necessary for Sgt Smith to do a welfare
 16. check in the infected pod because there was an
 17. officer present. And Sgt Smith was not wearing a
 18. mask or gloves when he traveled from 3C the pod
 19. on COVID quarantine to 3D, a plaintiffs pod, not
 20. on COVID quarantine. (SOE ¶ 15) True statement. (SOE ¶ 16) True
 21. statement. (SOE ¶ 17) True statement, PCADC had failed to
 22. test inmates in the pod for COVID before lifting the
 23. quarantine to make sure no one was infected and to make
 24. sure it was safe for inmates to be in contact with
 25. each other. Inmates were still sick, I observed inmates
 26. coughing and sneezing and said they were running fever.

1. (SOFA 18) True statement. (SOFA 19) True statement because
2. grievance #196172262 was submitted 8/17/22 and
3. administration didn't respond till 8/31/22. (SOFA 20) PCADC
4. claims "staff investigated covid tracing and housing unit levels
5. and found no information that the unit in question had a
6. covid-positive inmate." But more than one inmate had
7. been removed from my POD 3D and the pod was on
8. lockdown quarantine for 10 days and the the quarantine
9. was lifted, but inmates were not tested to make sure
10. the covid was gone and nobody was infected. (SOFA 21)
11. True statement it was closed, but not investigated. (SOFA 22)
12. True statement. (SOFA 23) True statement. (SOFA 24) True Statement.
13. (SOFA 25) There was no such "Orientation." (SOFA 26) True
14. statement. (SOFA 27) I don't know what "ICD" stands for. True.
15. (SOFA 28) True Statement. (SOFA 29) True Statement. (SOFA 30)
16. True Statement. (SOFA 31) True Statement. (SOFA 32) True
17. Statement. (SOFA 33) True Statement. (SOFA 34) True Statement!
18. (SOFA 35) True Statement. (SOFA 36) True Statement. (SOFA 37)
19. I don't know. (SOFA 38) I don't know. (SOFA 39) OK, but I
20. don't know how to Appeal a grievance. (SOFA 40) I was told
21. grievances needed to be done on the tablet electronically.
22. I was told paper is no longer accepted. (SOFA 41) 1st time
23. we heard of this. (SOFA 42) Same response as #40. There
24. is an Error in the Defendants summary judgement.
25. after #42 is (SOFA 26) True Statement. (SOFA 44)
26. True statement, but Plaintiff has never appealed a grievance.

1. (sof#45) True Statement. (sof#46) True Statement. (sof#47) Officer
 2. Mines was claiming I had already been refunded which was
 3. false, so I had to resubmit grievances several times.
 4. See Exhibit 3a, 3b, 4a, 4b, 5a, 5b, 6a, 6b. This shows how
 5. PCADC administration sometimes is negligent when it
 6. comes to adequately investigating a grieved issue at
 7. hand. This also demonstrates how PCADC administration will
 8. use a response redundantly when being negligent; similar
 9. to the response given to grievance #162905442.
 10. See Exhibit 2. ESCOBAR rejected the grievance and
 11. stated that the grievance did not comply with grievance
 12. policy; however, it did, See Exhibit 1. (sof#48) True
 13. statement. (sof#49) True; however this "temporary emergency
 14. menu" consisted of about 1,300 calories per day. The
 15. recommended nutritional value is 2,200 calories per day.
 16. Plaintiff was served this "temporary ~~emergency~~ emergency menu"
 17. for several months. (sof#50) True Statement. (sof#51)
 18. True statement. (sof#52) True statement. (sof#53) True
 19. statement.

20. RESPECTFULLY SUBMITTED Feb. 20, 2023

21. 

22.
 23. MARIO ARMANDO OBREGON
 24. Plaintiff, Pro-Se

These sworn statements are
 True and Correct under
 the penalty of law, my
 Declaration.

25.
 26.

CERTIFICATE OF SERVICE

1.
2. I, Mario Armando Obregon, plaintiff, pro-se, certify
3. that on Feb 20, 2023 am mailing this
4. MOTION TO OPPOSE SUMMARY JUDGEMENT: STATEMENT
5. TO OPPOSE SUMMARY JUDGEMENT. This motion is
6. to SUPPORT: MOTION TO OPPOSE SUMMARY JUDGEMENT;
7. MEMORANDUM OF LAW, AND, MOTION TO OPPOSE
8. SUMMARY JUDGEMENT; ADDITIONAL FACTS (AF) TO
9. OPPOSE SUMMARY JUDGEMENT. AND EXHIBITS
10. are mailed ~~separately~~, same day Feb 20, 2023

11.

12.

13.

14. Please send to:

15. Attorney of Christopher Nanos

16. Joey A. Flynn SBN 015430

17. Deputy County Attorney

18. 32. North Stone Avenue, Suite 2100

19. Tucson, AZ 85701

20. Joey.Flynn@pcac.pima.gov

21.

22. Also requesting a copy sent to plaintiff, Mario Armando Obregon

23.

PIMA COUNTY JAIL

24.

P.O. Box 951

25.

TUCSON, AZ. 85702